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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,452	04/04/2001	Akihiro Maenaka	P107314-0002	7803

7590 05/26/2005

Arent Fox Kintner Plotkin & Kahn
Suite 600
1050 Connecticut Avenue NW
Washington, DC 20036-5339

EXAMINER

TUCKER, WESLEY J

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 05/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<i>Advisory Action Before the Filing of an Appeal Brief</i>	Application No. 09/821,452	Applicant(s) MAENAKA ET AL.	
	Examiner Wes Tucker	Art Unit 2623	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 May 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
 b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☒ The Notice of Appeal was filed on 11 May 2005. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER


11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: Applicant argues that the reference of Muraji does not disclose the claimed limitation of "finding a range where the pixel data on the interpolated pixel is settable on the basis of the calculated edge component and pixel data on the first and second original pixels," as recited in claims 1 and 18 with emphasis added by Applicant on the phrase "on the basis of the calculated edge component and pixel data on the first and second original pixels". In the reply to the last office action filed 6-25-04 Applicant placed emphasis on the phrase "finding a range where the pixel data is settable." Examiner explained that the range in which the interpolated pixel is settable is inherently found by using values of the surrounding pixels in the Final rejection filed 11-16-04. Examiner now points to the same passage of Muraji previously cited in column 4, lines 9-27 with emphasis on the passage indicating that interpolation is performed "using edge information... of the pair of original pixels having a minimum correlative value." Muraji clearly discloses that the inherent range of pixel values is set using the information determined from both the detected edge information and the original pixels to be interpolated between. Applicant, for purposes of clarity, has included a discussion with diagram and uses formulas to show that the method of Muraji would yield different results from the present invention. Examiner does not question that the formulas would yield different results from the method of Muraji. Indeed Examiner has already indicated allowable subject matter dealing with said formulas. The discussion and calculations are completely irrelevant to the allowability of independent claims 1 and 18 with regard to the argued passage. As interpreted by the Examiner the reference of Muraji reads on the limitations of claims 1 and 18 and the rejection of said claims is therefore maintained.

12. ☐ Note the attached Information Disclosure Statement(s). (PZO/SB/08 or PTO-1449) Paper No(s). _____

U.S. Patent and Trademark Office
PTOL-303 (Rev. 4-05)

Advisory Action Before the Filing of an Appeal Brief

Part of Paper No. 1


AMELIA LAU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600